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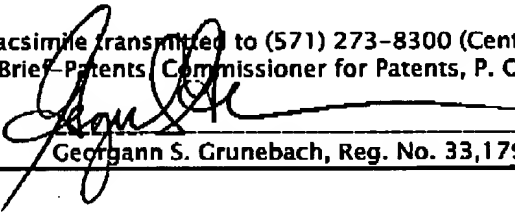
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> Reply Brief

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PATENT
Docket No. PD-201029A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Appeal No.: _____

Erin H. Sibley

Serial No. 09/844,919

Group Art Unit: 2623

Filed: April 26, 2001

Examiner: James R. Sheleheda

For: COMMUNICATION SYSTEM WITH SECONDARY CHANNEL
REBROADCASTING WITHIN A LOCAL AREA NETWORK

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following reply brief is submitted in response to the Examiner's Answer mailed May 18, 2006.

In Section (10) a the Examiner states that the Appellant's position regarding a word search for the word "network" in the *Allport* reference is completely irrelevant. Appellant respectfully submits that a wireless local area network is not found in the *Allport* reference. As mentioned in the Appeal Brief, the plurality of user appliances and

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the base station form the wireless local area network. The *Allport* reference merely includes one remote control that receives information from a base station unit. It is Appellant's contention that no wireless local area network is found. The Examiner then cites the IEEE dictionary definition of a network as being any set of devices or subsystems connected by links. The Examiner implied that the base station and the remote control of *Allport* form the network. Applicant respectfully submits that these devices communicate directly and, therefore, do not form a network as set forth by the elements in claim 1. The Examiner's definition of a network contradicts the elements set forth in the present application; namely, a base station and a plurality of user appliances. Therefore, because the dictionary definition contradicts that which is set forth in the claims, the dictionary definition should not be used.

In the middle of the second paragraph of page 4 of the Examiner's answer, the Examiner states that *Allport* specifically discloses that the wireless communications are limited to a local area. Although column 10, lines 30-35, state that the remote may be used in a different room from the base station, a network is not formed. Appellant respectfully submit that a direct communication link, whether RF, infrared, or the like with a device does not form a network. Therefore, even though a room or an adjacent room is mentioned, no "local area network" is not set forth in the *Allport* reference. The Examiner then goes on to cite the third definition of the local area network on page 633. This also contradicts the Examiner's position that two devices form a network. This passage specifically recites "A communication network to interconnect a variety of intelligent devices". Appellant, therefore, respectfully submits that a local area network is not taught or suggested in *Allport*.

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On page 5 of the Examiner's answer, the Examiner points to the multiple displays described in column 5, lines 59-65 for the teaching that *Allport* is not limited to a single user appliance. Appellant respectfully submits that there is no teaching or suggestion in those passages for multiple user appliances. Appellant respectfully submits that multiple displays may be incorporated on a single device. In fact, Appellant respectfully submits that such a suggestion is contrary to the teachings of a remote control system. Typically, a remote control system includes one remote control communicating with a controlled unit. In this case, Appellant believes that the *Allport* reference is referring to a single remote control having more than one display. Appellant, therefore, respectfully submits that only one display and base station is set forth in the *Allport* reference.

Because of the reliance on the Examiner on the IEEE reference, Appellant respectfully submits that a Section 102 reference is not proper. The Examiner is relying upon the IEEE reference, together with the *Allport* reference. This is an admission that each and every element of the claims is not set forth in the *Allport* reference. Therefore, the claims are not anticipated by the *Allport* reference. Claim 9 stands rejected under 35 U.S.C. §103(a) over only the *Allport* reference. At the end of page 6, the Examiner cites passages of the *Knobloch* and *Campbell* references for teaching a stratospheric platform. Appellant believes that this is an admission that the Section 103 reference over *Allport* alone is deficient.

Furthermore, the Examiner believes that "any other source" as stated on line 49 of column 9 implies that a stratospheric platform is set forth. Appellant respectfully submits that no teaching or suggestion is provided for a stratospheric platform and, therefore, such a combination is merely a hindsight reconstruction provided by the

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Examiner. Appellant, therefore, respectfully requests the Board to reverse the Examiner's position with respect to claim 9 in view of the above comments and the comments submitted within the Appeal Brief. Appellant respectfully submits the Examiner forming a hindsight reconstruction by using the *Allport* reference and further including the *Hendricks* reference for compression. It is clear that the *Allport* reference does not include compression. However, the rejection is deficient because the Examiner has now relied upon the *Hendricks* reference for teaching compression. The rejection is a Section 103 rejection over the *Allport* reference alone. Appellant, therefore, respectfully submits that the Examiner's original rejection does not provide a prima facie case of obviousness. On page 7, the Appellant also does not agree with the Examiner's assessment that *Allport* teaches a wireless local area network. This discussion has been set forth above with respect to claim 1.

Claim 13 specifically recites the fiber optic network as a content delivery system. Again, the Examiner points to the *Hendricks* reference for setting forth the teaching of a fiber optic network. Appellant respectfully submits that this rejection is deficient as a Section 103 rejection. Appellant, therefore, respectfully request the Board to reverse the Examiner's position with respect to claim 13 as well.

Claim 21 stands rejected under 35 U.S.C. §103(a) over *Allport*. Claim 21 recites digitally decompressing the digital video stream. The Examiner admits that *Allport* does not specifically disclose compressing the digital video stream. The Examiner then states that compressing is an obvious modification and, therefore, decompression before the display is obvious. Again, no teaching or suggestion is provided in the *Allport* reference for the decompression. On page 10 of the Examiner's answer, the *Hendricks*

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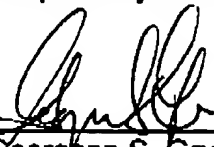
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reference is cited for this teaching. Appellant respectfully submits that the Section 103 reference is not proper since the Examiner is relying upon another reference. Further, the Appellant respectfully submits that, since the system of *Allport* is not using a local area network, digital decompression and compression are not required. The *Allport* reference is merely a direct connection and, therefore, bandwidth issues present in a network with several devices competing for bandwidth is not present. Therefore, no teaching or suggestion is provided in the *Allport* reference because the direct connection is set forth. Appellant, therefore, respectfully requests the Board to reverse the Examiner's position with respect to claim 21 for the above-stated reasons and for the reasons set forth in the Appeal Brief.

Appellant respectfully requests the Board to reverse the Examiner's position with respect to each and every claim. Appellant believes that the case is now in condition for allowance and expeditious notice thereof is respectfully solicited.

Respectfully submitted,

By: 
 Georgann S. Grunebach, Reg. No. 33,179
 Attorney for Applicants

Dated: June 14, 2006

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